Before we leave the children, it should be pointed out how their common activities unite them in friendship. The boys and the girls or both together, when they are coevals (//hã̀, vb.) and have grown up in the same place, consider themselves comrades (/gui//hã̀n) their life long. Each is the °//hã̀·ǂsab or the °/hõ·ǂsab of the other. Usually I did not hear them call each other by their names but they addressed each other in a special form of intimacy as ao·tse in the masculine and a·χase in the feminine sex. It is not necessary to list individually the duties of those of the same age to each other. The general duty of this comradery which includes all the others is sticking together in all phases of life.

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[316] 5. The Dissolution of the Family

The dissolution of the family usually occurs early under present-day conditions. Formerly the large stock of cattle, similar to one of our large peasant farms, held the family together for a long time in the interest of economical operation and complete use of the property. Today the Hottentot is forced to earn his living at an early age in the service of the white man and so the children often separate when they are only half grown.

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To what extent the death of one of the parents loosens the family ties cannot be measured without a knowledge of the laws of inheritance. I have not made any studies in this field.

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I was only able to find out about burial customs. As they are maintained today, they are a mixture of old traditions, of Christian influences and of the progressive degeneration of the folk customs. The eyes of the corpse are closed, the body washed by old women and stretched out on its back. The arms are placed at the sides and the hands placed next each other in the lap with the back of the hand up. Skins are used as a shroud. They are wrapped around the body with the hairy side in and sprinkled with buchu powder and then sewn together. The face is kept uncovered until shortly before interment, then the tip of a skin that has been kept for the purpose is placed over it and sewed together loosely.

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The body stays alone in the hut, lying on covers on the floor. The relatives, neighbors and friends spend the night together outside singing. Before the body is buried, the funeral feast begins. The men who dig the grave eat before they start the work. When the grave is about 3/4 of a meter wide and scarcely the depth of a man, a low, narrow side niche for the body is hollowed out at the bottom along the side of the grave. Usually burial takes place on the afternoon of the day after death. The

2: Schapera E-4, 5 (no date) 1930
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421 These statements imply that a distinction must be made between usufruct on the one hand and rights of disposal on the other. There is no doubt that individuals may have the exclusive usufruct of certain objects. This is evident from Vedder's statement about live stock, and almost certainly applies also to objects of personal use, such as clothing and weapons. It is clear also, from facts previously noted, that property such as live stock may be acquired by individuals through their own efforts, as well as by inheritance. We thus get the situation that individuals can acquire objects and have the sole right to use them, but apparently cannot dispose of them freely. The customs of *soregus* and *//nuri //gab* are difficult to reconcile with this latter condition, and so too is the fact, which Wandres himself mentions, that an individual can during his lifetime specify how his possessions are to be distributed after his death. But, assuming that there is some measure of truth in the statement that family control is exercised, the question that must be answered is whether this control implies a complete negation of individual ownership. The Hottentot conception of ownership has unfortunately nowhere been clearly defined, and in an argument which is essentially one of native conceptions it is obviously dangerous to apply European legal concepts. But there seems no good reason why the usufruct enjoyed by an individual should not be regarded as a form of ownership, since these rights appear to be vested exclusively in him. The control of the family over the disposal of these objects can equally well be regarded as designed to guard against their reckless dispersal, and hence its own impoverishment, and in no way interferes with the actual rights of possession enjoyed by the individual.

In this connection it may be noted that Wandres mentions also that the chief has as little property as any other man, but has at the same time the rights of a guardian over the property of the individual families. It is his duty to see that his subjects do not dissipate or otherwise squander the family properties making up the wealth of the tribe.[1] In what way he does this Wandres does not specify, and the statement is not confirmed by other observers.

Inheritance

428 The customary rules of inheritance, by which a dead man's goods are distributed among his heirs, also indicate the existence of individual property rights. Unfortunately not even a single concrete example of

[1] Op. cit., 683.

2: Schapera E-4, 5 (no date) 1930
FX13 Hottentot FX13
Nama
Cape Hottentots

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nheritance has been recorded. It is difficult therefore to determine accurately what goods are distributed in this way, and consequently what goods may be regarded as individual possessions. The live stock obviously form the major part of the estate, but mention is also made of "the rest of the property" and of "inanimate objects", which, however, are not specified. The old writers on the Cape Hottentots state quite definitely that the hut of a dead person was left standing with all the belongings, and that the camp was moved. In such cases, therefore, the hut, together with its furnishings, could not have been inherited. Nowadays this practice is no longer observed, so that these objects fall into the category of inheritable possessions. There does not appear to be any destruction or burial of a man's goods with him at death, a custom noted among the Bushmen, so that there are no goods of which it can definitely be said that they are *not* inherited. Concrete information on this point is greatly desirable.

There is some discrepancy between the different accounts of the general laws of inheritance. Among the Cape Hottentots, according to Kolb, only males could inherit property; failing sons, the nearest male relative of the dead man was the heir, never a daughter. Normally the whole estate, and by this is meant primarily the live stock, passed into the possession of the eldest son, who now became the head of the family. The younger brothers remained dependent upon his goodwill, unless, indeed, their father during his lifetime had given them a few head of cattle for themselves, and thus enabled them to become independent. Otherwise they were expected to stay with the heir and help him to manage and keep together, if possible even to increase, the wealth he had inherited. He might, if he wished, give each of them some cattle, but he was not bound to do so, or else he could allow them to enter the service of Europeans, and thus be freed of his immediate control. The heir also had to support his mother and the other wives of his father, while his sisters were placed under his exclusive control and might not marry without his permission.[1]

Among the Naman also, according to most writers, the eldest son is the principal heir. He becomes the head of the family, and has the duty of supporting his mother as long as she lives, if she does not marry again. He also controls the marriages of his sisters. Any gifts made during courtship come to him; in return he is obliged to provide the marriage feast, but he is compensated for this by the

[1] Op. cit., 141–2; cf. Fritsch, *Eingeborenen Süd-Afrika's*, 335.

2: Schapera E-4, 5 (no date) 1930
FX13 Hottentot FX13
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428 temporary service rendered him by the newly-married husband. He also inherits a greater portion of his father's estate than do the other children. In particular he acquires all the live stock, with the exception of those animals previously allocated by the father during his lifetime to other sons and daughters. These animals with their increase pass at the division of the estate into the full possession of the children for whom they had been set aside. The rest of the property—presumably the material objects—is divided equally between all the children, under the supervision of the chief. The widow, however, retains all the objects brought by her into the marriage (this would, therefore, include the hut), as well as everything, including cattle, given her by her husband during his lifetime. Here, it will be noticed, all the children, both sons and daughters, participate to some extent in the inheritance, and the concept of individual possession is fully illustrated in both the distribution of the goods and the retention by the widow and minor heirs of property acquired by them from the dead man during his lifetime.[1]

Wandres, and following him Vedder, specifies more minutely, and also somewhat differently, the Nama laws of inheritance. If a man dies his wife and all his children, sons and daughters, are heirs in equal portions. The estate may not be divided as long as the widow is alive, unless she wishes to return to her own people. The inheritance is then distributed by the chief, and the widow receives her portion, together with that of the youngest child, whom she takes with her. If the wife dies before the husband, her property is inherited by him and the children, i.e. it remains in the family. When both the parents are dead, the estate is divided up by the chief, who is compensated for his task, which is often by no means a sinecure. The estate is divided equally amongst the children, sons and daughters alike, the eldest son being regarded as the trustee, under the supervision of the father's eldest living brother. Children born to a woman [848] before marriage normally pass into the possession of their real father, and therefore do not inherit from the man she subsequently marries. The illegitimate children of a man, on the other hand, are entitled to the same share of his estate as his other children. Children born to a woman in adultery can also inherit from her husband, if he pardons her and adopts them.

429 If the children are still minors, their nearest male relative or the grandparents on either side act as their guardians and as the trustees

[1] Schinz, op. cit., 100; von François, op. cit., 216–17; Kohler, op. cit., 344, 347.

2: Schapera E-4, 5 (no date) 1930
FX13 Hottentot FX13
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of the stock. The rights of the guardian cannot be interfered with by the chief or the tribal council, but as he is always closely watched by the other relatives he cannot easily appropriate anything in an illegal manner. When a childless couple die, the estate goes to their parents, those of the husband having first claim. When the parents are also dead, the chief divides the estate among the more remote relatives of the deceased, the following order of preference being observed: husband's eldest sister's children, husband's brothers, husband's sisters, wife's sisters, husband's brother's children, children of the husband's remaining sisters, wife's sisters' children. The brothers of the dead wife, Wandres remarks, do not inherit, since, according to the ideas of the Naman, they belong to another family. A portion of the estate is also claimed by the chief, in return for his supervision.

These traditional laws of inheritance can only be departed from if a man during his lifetime stipulates that after his death certain of his goods are to be given to his *sore*-companion, friends, more remote relatives, etc. This voluntary testament, *gus*, must be made orally before witnesses, and is usually abided by conscientiously, although the chief has to see that the nearer relatives do not suffer by it.[1]

It is doubtful to what extent this formulation of the laws of inheritance can be relied upon. It is certainly far more elaborate than that given by any other writer, and should therefore probably be regarded as more accurate. But the statement that all children inherit in equal shares does seem at variance with the honoured position of the oldest brother among the Naman, and the other writers, as we have seen, all state that the eldest son is the principal heir. The information about oral wills, again, also stands in need of confirmation. Here the lack of definite case-histories of inheritance once more makes itself felt, as concrete examples would have enabled one to clear up the discrepancies in the different statements of the laws of inheritance. The general trend of the information is to show that a man's eldest son is the principal heir, and that the other children inherit to only a minor degree. Apparently both men and women can acquire property in this way, and the possessions inherited are held individually.

[1] Wandres, op. cit., 683–5; Vedder, op. cit., 145.

5: Vedder M-5 (ca. 1910) 1928
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their herds or lived, are regarded as territory of the tribe. 423
At present these disputes do not occur any more since tribal possession of land has ceased to exist and reserves have been granted to individual tribes as usufruct and not as property. Consequently it is of no further interest to consider these old rights. They had rights of pasturage, honey, hunting, springs and water, etc., but these have ceased to exist. The Administration fixes legal boundaries for their reserves.

8. The facts with reference to hereditary rights are, how- 428
ever, quite different, for up to now the legislation of the Administration has not tampered with the rights of inheritance among the Nama—a fact which is very pleasing. As has been said, the chieftainship is inherited from the father [643]
by the eldest son. In case the chief has no sons, the sons of the eldest brother of the chief are the nearest relations entitled to the inheritance. The children inherit everything from their parents, the heritage being divided equally amongst the sons and daughters and the eldest son is regarded as the administrator of the estate under the supervision of the eldest living brother of the father.

If the children are still under age and the grandparents 429
are still alive, then they act on behalf of the guardian and take the orphans and their heritage to themselves. When childless parents die, their parents take possession of their 428
estate. When they also are dead, the chief divides the estate among the relatives, the following order being observed: the eldest sister of the husband, the brothers of the father of the late man, the sisters of the father, the sisters of the mother, the children of the brothers of the deceased, the children of the remaining sisters of the deceased, the children of his mother's sisters.

Illegitimate children of the man are entitled to an inheri- 428
tance just as the other children. Illegitimate children of the 848
mother have no claim to the inheritance as they belong to their father's family, who was obliged to support them in their first years and had taken care of them after that.

They could only depart from this law of inheritance on the oral testimony of the testator arranging it. They usually abided conscientiously by such stipulations in reverence for the deceased; and fear that the deceased might take revenge for their not complying with the stipulations of his will played no part in it.

X. Civilisation and Modern Times.

The nomadic Nama tribes had already been affected by 177
European civilisation from three different sides a hundred years ago. There were the Orlam tribes who immigrated gradually towards the beginning of last century, then the hunters and traders who travelled through the country and lastly the missionaries. It might seem strange that the

8: Dapper Q-4 (no date) 1933
FX13 Hottentot FX13
Cape Hottentot

Very little jealousy is found among the married people, even although a man sometimes takes himself to the wrong bed at night. The transgressor, if this comes to light, is then punished severely at the command of the chief. 593 837 684

DEATH.

The Kaffirs or Hottentots are very longlived, for most of them, both men and women, reach the ages of eighty, ninety, one hundred, one hundred and ten, one hundred and twenty years and even more[76]). 145

Dead Hottentots are placed in a sitting position and stark naked[77]) into a deep pit, which is then filled in with earth. On top of this is piled a great heap of stones, so that the corpse may not be dug out of the grave by wild beasts and devoured. 764

When someone has died, even if it was only a child three months old, and the corpse has been interred, all the relations up to the third degree must, according to old usage, have the little finger of the left hand chopped off to be laid in the grave with the dead person[78]). If the deceased had during her lifetime possessed many cattle which she bequeathed to some relative such as a sister or daughter, the latter (for this applies only to women) must remove a joint from the little finger of each hand before she may take over the cattle in the absence of a last testament; for a sick person may not give away the slightest thing on his deathbed except to those who would lawfully inherit it. 765 304 428

They are loath to see anybody die, and whenever someone falls ill they accordingly fetch a healer. The latter, apart from a sharp double-bladed little knife and a long bit of iron with a small knob at the end, has absolutely no equipment, not even the least bit of ointment. He comes to the patient, whom he bleeds in the back with his knife; he then applies the glowing bit of iron to the patient's 757

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77) This statement is contradicted by most other writers on the burial customs of the Hottentots. As a rule the dead person was wrapped and tied up in the kaross he wore during life, and then buried (Schapera, *op cit.*, 360 ff.)

78) The practice of finger mutilation by the Hottentots is confirmed by many later writers, but not in all the details mentioned by Dapper. It appears from the available information to have been observed (a) by women who had lost their husbands, and were wishing to remarry, (b) on children whose immediate predecessors had died young, and whose mothers then performed the operation on them as a protective rite against a similar fate (Schapera, *op cit.*, 72). [587] [751]

9: Ten Rhyne D-5 (1673) 1933
FX13 Hottentot FX13
Cape Hottentot

Their wives have one finger joint, beginning from the first of the little finger, cut off for every man they have [46]). Like the Mohammedans the Hottentots indulge in polygamy. The justice of the people is administered according to their natural impulses, not regulated by law. The only punishment is that for homicide. In this event all the relatives of the dead man pursue the slayer; they do not rest till they have exacted vengeance. When they find the guilty man, they club him to death, or transfix him with spears, and continue to inflict blows upon him when already dead. Other offences, whether adultery or theft, they punish only by the *lex talionis* [47]). Finally, they have this peculiar custom: if a young man among them falls ill, they slaughter a fat ox, which will shortly furnish a delicious feast; and round the neck of the invalid they hang the largest of the internal organs, together with the omentum, and leave them there till they fall off rotten, when they must be eaten by the old men [48]). In the matter of succession the law of inheritance prevails among them, especially among the Essequas.

CHAP. XXIII.

Marriage.

When they wish to embark on marriage they approach their parents, who then approach the chief, so that they may have full permission to marry a maiden. But they never do this unless they possess at least one draught-ox, for removing the hut with its furniture, one or two milch cows, and ten or twelve sheep to celebrate the betrothal or the bringing home of the bride, etc. But those who are richer practise polygamy in the manner of the Turks; and

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a sheep on the ground, and to cut from it from time to time, in the presence of the patient, a piece of meat, which is given to the healthy persons. This meat is placed on the fire for a short time and consumed half raw, while the patient is vigorously smeared all over with the warm fat, torn out of a living sheep. In addition, the entrails of the beast are hung round the patient's neck, the treatment they believe will effect a speedy cure" (*V.R. Soc.* 5, 85). This rite (of which Ten Rhyne's description is but fragmentary), was not restricted to young men, as his statement would seem to imply, but was performed on all very sick people. His remark about the old men having to eat the rotten entrails which fell away from the neck of the patient is a ridiculous fantasy.